

Department of Early Learning Negotiated Rule Making Team  
Meeting Notes - October 25, 2008  
*Teleconferenced participation from Renton and Yakima, Washington*

**Overall Goal:**

The purpose of this Negotiated Rule Making Team (NRMT) is to develop a set of rules and recommendations about issues that affect the health, safety, learning and quality of environment for children that is supported by parents, early care providers, health/ safety experts and interested stakeholders. The NRMT's proposed rules will then move on to the legal and legislative proceedings (and formal public comment period) before they can be formally adopted.

**Today's Meeting Objectives:**

1. Hear an update on the NRMT communications plan;
2. Hear an update on Rule Writing;
3. Hear an update on the 2009 NRMT meetings and topics schedule
4. Learn from an expert about Outdoor Play (***Outdoor Environment***)
5. Complete discussion on ***Programs*** (West Side Story);
6. If time permits, hear recommendations about ***Record Keeping, Reporting & Posting*** (Team C), and/or ***Infant Solid Foods*** (West Side Story)
7. Discuss and determine what elements should be incorporated into our work moving forward; and
8. Determine next steps and assignments for the December 13 meeting.

**Pre-Work Given at September 20, 2008 Meeting:**

- ◆ The West Side Story (Karen Hart is Lead) will:
  - Continue work on the topic of ***Programs***, and incorporate suggestions from our discussion about *Outings/Field Trips* and *Transportation* (may need to be restructured?)
  - Bring recommendation on *Infant Solid Foods*, an addition to the ***Food-Nutrition*** section
  - Make sure to cite participating parents in the research section of your matrix.
- ◆ The A-Team (Debbie Knighten is Lead) will continue working on recommendations about ***Outdoor Environment***
- ◆ The Team C (Martha Standley is Lead) will continue their work on the topic of ***Record Keeping, Reporting and Posting***.

The following agenda guided our discussion:

<b><i>Time</i></b>	<b><i>Topic</i></b>
<b>9:00</b>	Welcome, Agenda Review, Check in
<b>9:20</b>	2009 Meeting Schedule and Topics
<b>9:30</b>	Communications Plan update

<b>9:40</b>	Guest Speaker on Outdoor Play – Laurie Cornelius, Clark College
<b>10:50</b>	Recommendations about <b><i>Programs</i></b> (West Side Story)
<b>11:50</b>	Break for Lunch
<b>12:20</b>	Continuation of <b><i>Programs</i></b>
<b>1:20</b>	Update on Rule Writing
<b>1:40</b>	If time permits, begin recommendations about <b><i>Record Keeping, Reporting &amp; Posting</i></b> (Team C); or <b><i>Infant Solid Foods</i></b> (West Side Story)
<b>2:15</b>	Next Meeting Agenda, Assignments, Project Schedule Adjustments.
<b>2:30</b>	Adjourn

***Voting Members Present:***

**At Renton, Puget Sound-ESD 121**

Angela Taylor, SEIU-Provider  
Debbie Knighten, SEIU-Provider  
Nancy Gerber, SEIU-Provider  
Mary Kay Quinlan, DEL  
Judy Jaramillo, DEL  
Lola Kling, SEIU-Provider  
Mary Ruch-Brown, DEL  
Dora Herrera, SEIU-Provider  
Sherry Schleufer, SEIU

Cassandra Clemans, Care for Providers  
Martha Standley, DEL  
Sylvia Mierau, SEIU-Provider  
Cynthia Hendsch, DEL  
Kath Yasi, SEIU-Provider  
Jean Orton-Elders, DEL  
Donna Horne, Wash St. Family Child Care Assoc.  
Lisa Beaulaurier, SEIU  
Laura Giddings, Child Care Resource & Referral Net.  
Sandra Van Doren, E. Wash. Fam. Child Care Assoc.

**At Yakima-ESD 105**

Judy Bunkelman, DEL  
Blanca Smith, DEL

Lydia DeLeon, DEL

***Public, Guests and Other Non-Voting (at Renton)***

Erika Noltimeir, Provider  
Gwen Anderson, Provider  
Sue Winn, WSFCCA Alternate  
Laurie Cornelius, Clark College  
Debbie Rough-Mack, Facilitator

Larry Horne, DEL Assist. Director  
Robert McLellan, DEL NW Service Area Manager  
Kathleen Hardee, Care for Providers Alternate  
Andy Fernando, DEL NRMT Coordinator

### ***Process Note:***

Despite having technical staff present from ESD 121, the NRMT had difficulty connection with team members in Yakima by video conference. As a result, the Renton group started the meeting late. Yakima participants waited patiently, but they were unable to join in the meeting (to see or be seen) until almost 11 a.m. The Yakima group also reported that electronic noise in the audio link kept them from hearing portions of the meeting. These and other technology problems created ongoing distractions throughout the meeting as team members and the NRMT coordinator tried to find solutions, and it reduced the team's ability to complete the scheduled work.

### ***Welcome, Check in***

We changed the order of the agenda to deal with process issues first and save content discussion until we could get effective contact with Yakima. It only partly worked. We welcomed one new member, Cynthia Hendsch, a DEL licenser in Bellevue, who replaces Dionne Milan on the NRMT. There were also two family home child care providers as interested public.

### ***Rule Writing Update***

NRMT Rule Writers Judy Jaramillo and Sandra Van Doren reported that they have finished draft rules of ***Food-Nutrition*** and ***Staff Qualifications*** and nearly finished draft rules for ***Licensing Process*** and ***Infant Care***. They forwarded their finished drafts to the Rule Review Team. They said that they wanted to be sure that a non-English speaking reviewer read their draft rules for translation clarity.

### ***Rule Review Committee***

Sue Winn, Angela Taylor, Donna Horne and Andy Fernando of the Rule Review Committee, said they reviewed and made a few minor edits to the first draft rules on ***Food*** and ***Staff Qualifications***. They sent a few questions back to the Writing Team. Overall, they were impressed with the clarity and content of the rules presented for review.

There was some discussion about who should be on the Rule Review Committee, and March 2008 notes on the committee's composition are incomplete. The group was reminded that the purpose of the Review Committee is to:

- Edit for clarity;
- Ensure the content reflects the decisions of the larger group; and
- Indicate where definitions are needed, or where it would be helpful to have references or examples cited in the guidebook.

It was pointed out that the role of the Rule Review Committee is not to revisit the content. The committee is intentionally small – set at a previous NRMT meeting at 2 SEIU-Providers, 2 DEL staff, 1 other provider, and 1 either from Resource and Referral or Parent/Parent Advocates.

There were many volunteers for the Rule Review Committee, including: Erica Noltimeir (a provider guest), Cassandra Clemans, Martha Standley, Nancy Gerber, Kathy Yasi, Mary Ruch-Brown, Judy Bunkelman, Lydia DeLeon, as well as Angela, Sue and Donna.

It was left to Andy to determine the 6-member composition of the team. Others members could review the rule drafts at the NRMT meetings, and non-NRMT volunteers are invited to participate in the wider public input process on the preliminary drafts.

### ***Intent “Rules”***

There was a question raised again about whether *intent* sections from our topic matrixes would be included with the WAC as part of our proposed recommendations. DEL is receiving legal guidance about this. The probable answer is that if *intent* section or sections are included in the WAC to provide explanation of why the rules exists, but we need to write the intent sections carefully be sure they don't unintentionally create a requirement or legal cause of action. We may need to put an *introduction section* wording to make clear that intent sections are not enforceable.

### ***Communication Plan Update***

- Larry Horne brought the updated Key Messages page and “talking points” (attached following the meeting notes) that we reviewed at the last meeting. These are meant to be tools to help us keep a consistent message during our outreach about the NRMT efforts.
- Nancy said that she had brought NRMT handouts to the Washington Association for the Education of Young Children (WAEYC) conference in October to share with attendees. She said that she realized that people would likely be interested in learning about it, and that would require a more interactive opportunity. She suggested two opportunities -- breakout sessions at upcoming conferences where members of the NRMT might make presentations about the process:
  - The Eastern Washington Family Child Care Association conference in Spokane on March 7, 2009, and
  - The Washington State Family Child Care Association conference at the SeaTac Marriott on April 24, 25, 26, 2009.

Volunteers to develop these presentations based on the NRMT Key Messages were: Sandra, Sue, Nancy, Donna, Sherry, and Cassandra. Nancy will be the Lead.

- Andy spoke to House of Representatives legislative legal staff about rule making in general and the NRMT, and used the “frequently asked questions” from the communications handouts. The staff had questions whether or not it would make sense to write negotiated rule making into other legislation.

### **NRMT Project Schedule**

NRMT Coordinator Andy Fernando shared an updated project schedule. All agreed that it was ambitious, given the number of remaining topics, as we work toward meeting our goal of finishing the proposed draft rules by summer 2009. The projected meeting and topic schedule are:

<b>NRMT Meeting Date</b>	<b>Topics and Presentations (Depending on work completed at each previous NRMT meeting)</b>	<b>Presenters</b>
<b>October 25, 2008</b>	<ul style="list-style-type: none"> <li>- Outdoor Play</li> <li>- Program (except Diversity)</li> <li>- Infant Solid Foods (completed)</li> </ul>	<ul style="list-style-type: none"> <li>- Laurie Cornelius (Clark College)</li> <li>- Westside Story</li> <li>- Team C</li> <li>- Westside Story</li> </ul>
<b>December 13, 2008</b>	<ul style="list-style-type: none"> <li>- Diversity Panel / Discussion</li> <li>- Continue Program</li> <li>- Outdoor Environment</li> <li>- Recordkeeping &amp; Posting</li> <li>- WAC 170-296-0560</li> </ul>	<ul style="list-style-type: none"> <li>- TBA</li> <li>- Westside</li> <li>- A-Team</li> <li>- Team C</li> <li>- DEL</li> </ul>
<b>January 31, 2009</b>	<ul style="list-style-type: none"> <li>- Fire Safety and Emergency Services presentation</li> <li>- Indoor Environment</li> <li>- Program (Diversity)</li> </ul>	<ul style="list-style-type: none"> <li>- TBA</li> <li>- A-Team</li> <li>- Westside Story</li> </ul>
<b>March 7, 2009</b>	<ul style="list-style-type: none"> <li>- Immunization Presentation?</li> <li>- Indoor Environment</li> <li>- Emergency Preparedness</li> </ul>	<ul style="list-style-type: none"> <li>- TBA (Public Health)</li> <li>- A-Team</li> <li>- Team C</li> </ul>
<b>April 11, 2009</b>	<ul style="list-style-type: none"> <li>- Supervision/Capacity/Ratios</li> <li>- Nurture &amp; Guidance</li> <li>- Pre-Service Training</li> </ul>	<ul style="list-style-type: none"> <li>- Westside Story</li> <li>- Team C</li> <li>- DEL</li> </ul>
<b>May 16, 2009</b>	<ul style="list-style-type: none"> <li>- Health</li> <li>- Legal Status, Minimum Education</li> </ul>	<ul style="list-style-type: none"> <li>- Westside Story</li> <li>- DEL</li> </ul>
<b>June 13, 2009</b>	<ul style="list-style-type: none"> <li>- Corrective/Adverse Action</li> <li>- Any other subjects not finished or that need to be revisited</li> </ul>	<ul style="list-style-type: none"> <li>- A-Team</li> </ul>

### ***Guest Speaker Laurie Cornelius, Outdoor Play***

We welcomed Laurie Cornelius, director of Services for Children and Families at Clark College in Vancouver, Wash. Laurie showed a power point presentation and photos, and talked about the importance of giving children outdoor play opportunities. Outdoor play lets children explore their environment, test and grow their risk taking and creative abilities, and help develop individual and group problem solving skills. Afterward, the group followed up with a lively discussion about how to provide opportunities for creative outdoor play – including taking reasonable risks - while still assuring that kids are protected from serious harm.

### ***Food / Nutrition – West Side Story; Presenters: Sue Winn and Judy Jaramillo*** **Subtopic: Solid Foods**

This subtopic originated in the *Infant Care* section but was moved to *Food / Nutrition*. The group made suggestions for inclusion in the Guidebook (what is a “safe” temperature, microwave use, etc.). The NRMT recommended the following:

*“Providers will consult with parents before introducing food(s) to infants.  
(When) serving food to infants:*

- *Infants must be in a semi-reclining or upright position.*
- *Food fed to children must not be shared using the same dish or utensil.*
- *When heating infant food; must stir and test for safe temperature before serving*
- *Throw away any uneaten food from the serving container*
- *Serve solid food by utensil or (the) child’s hand.”*

The term “utensil” also may need a definition or clarification in rule writing.

***Vote 22 in favor, 0 undecided, 0 opposed***

The ***Food / Nutrition*** topic discussion is now completed. The *infant solid food* subtopic and will move to the writing phase and will be added to the draft ***Food/Nutrition*** rules already completed.

### ***Programs – West Side Story; Presenters: Sue Winn and Judy Jaramillo***

What follows are the highlights and decisions reflecting “agreement in concept” resulting from the discussion. For more complete information refer to the matrices and handouts from the meeting.

Recommendations on the following ***Programs*** subtopics were completed previously. See the September 20, 2008 NRMT meeting notes at <http://www.del.wa.gov/laws/rules/negotiated.aspx>.

- *Outings and Field Trips: Parent permission; First aid kit*
- *Developmental Activities: Activity schedule; Evidence of activities;*

### **Subtopic: Outings/Field Trips**

- ◆ **Outing Safety – Water** There was considerable discussion about what are reasonable safety requirements when children are near water, especially given our recent research-based presentations about the importance of free exploration for children.. Sandra Van Doren noted that various states' water safety requirements take effect when water is 3, 4 or 6 inches deep. The NRMT recommended the following language:

*“When you take children near water that is accessible and more than four (4) inches deep, one of the following must be followed:*

- *Lifeguard (is) on duty, or*
- *Life jackets (are) worn by the children, or*
- *(An) additional staff member - with a minimum of two total staff - ( is present) to help with the children*

*“The supervision you provide on an outing must ensure that you are aware of what the children are doing at all times and can promptly assist or redirect activities when necessary”*

**Vote 19 in favor, 1 undecided, 2 opposed**

Cited concerns were:

- The requirement when swimming in the water is okay, but does it mean they can't go near it without a life jacket or extra chaperone?
- At what distance from bodies of water would the requirements start (how would we define “near”)?
- Northwest Trek example – what about destination trips where there are bodies of water?
- Is this specific enough?

#### ◆ **First Aid Kit**

Already approved except for *Emergency Supplies*. The NRMT recommended the following:

*“Emergency supplies must include:*

- *First aid kit*
- *Required medication for children while on the outing*
- *Syrup of ipecac or other emetic (definition)*
- *Emergency form for each child, including immunization record”*

**Vote 21 in favor, 1 undecided, 0 opposed**

Cited concerns: Requiring syrup of ipecac if providers still can't obtain it (due to the current shortage) – can we say “current with what the Poison Center recommends”? It was noted that Syrup of Ipecac or other substance must only be administered as directed by the Poison Center, and that Washington is one of the few states that still recommend using Syrup of Ipecac.

### **Subtopic: Developmental Activities**

- ◆ **Varied Activities / Play which is Child or Provider Initiated** Recommendation was that licensors would take a coaching or helping rather than punitive approach. The NRMT recommended the following, similar to what is now in WAC 170-296-1370:

*“What types of play materials, equipment and activities must I provide for the children in my care?”*

*“(1) You must provide developmentally appropriate activities and materials in a quantity and variety to meet the needs and interests of individual children being served. The daily schedule must promote:*

- (a) Social, emotional and self development*
- (b) Positive self-concepts*
- (c) Language and literacy*
- (d) Physical development in both indoor and outdoor settings, strengthening large and small muscles and encouraging eye-hand coordination, body awareness, rhythm and movement; and*
- (e) Creative expression and appreciation for the arts*

*“(2) The provider will have the opportunity to describe how their home Nurtures discovery and learning.”*

***Vote 22 in favor, 0 undecided, 0 opposed***

- ◆ ***Nap Time.*** The team discussed appropriate approaches to nap time, including whether the rule should address scheduled nap time and when a child is not ready for sleep. The NRMT recommended the following:

*“(1) You must offer and supervise a rest period of at least thirty minutes for the child;*

- (a) Five years of age and under who remain in care for more than 6 hours; or*
- (b) Show a need for rest.*

*“(2) You must not require or force a child to sleep*

*“(3) If children do not require rest, quiet activities will be offered with a minimum of disruption to sleeping children”.*

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***Vote 18 in favor, 1 undecided, 3 opposed***

Cited concerns: Wording is unclear, what if child is only there 2 hours or after school – is a 30 minute nap required?, should indicate ‘according to your program schedule’ or ‘your regularly scheduled nap time? Is the current WAC 170-296-1080 more clear?

- ◆ ***Small and Large Muscle Development***

There was clear consensus on this sub-topic. NRMT recommended the following:

*“Children should be given a daily opportunity to develop their small and large muscles.”*

***Vote 22 in favor, 0 undecided, 0 opposed***

- ◆ ***Screen Time***

Screen time includes television, videos or computers. Predictably this was a lengthy and lively discussion; we realized that we would not get full consensus and determined that this topic should move on to the rule writers with our concerns cited. The group generally decided that examples would not be given in the WAC (e.g. “soap operas”), but examples of appropriate and inappropriate uses of screen time would be described in the Guidebook. The NRMT recommended the following:

- “Non-screen time will be the primary source of children’s’ activities.
- “Screen time for any child will be limited to less than two hours a day.
- “When possible, children under the age of two will not be exposed to screen time.
- “Children should not be forced to watch TV. Alternatives activities to screen time must be available
- “Programs with violent or adult content (including “soap operas” or “novellas” in the Guidebook) must not be permitted in children’s presence.
- “Screen time must be developmentally, and age appropriate and have child related content ”

**Vote 13 in favor, 6 undecided, 2 opposed**

Cited concerns:

- Does focusing on what you **can** do versus what you want to restrict imply that the WAC is promoting screen time?
- Two hours is too long; Caring for Our Children says no screen time under age two
- We need to say “supervised” screen time
- Consider different words than “primary source”
- Remember screen time could be Internet too
- Is two hours too restrictive for 24-hour care?
- What about emergency or disaster situations (e.g. earthquake news)?

**Subtopic: Transportation**

There was a lot of discussion of this subtopic, both at this meeting and in September. We did not get to the point of voting on this subtopic. See the matrix for concerns, as well as mentioning the condition and care of the vehicle in which the kids are riding, and reviewing the existing WAC 170-296-1250 to see which portions of it should be carried forward in the new rules.

**Subtopic: Special Programs**

- ◆ **Special Needs.** The team discussed whether to use “accommodation” or “exception,” and what is a “special need.” The NRMT recommended the following:

*“Include the following statement in the different sections of the WAC: ‘Exception to these rules may be allowed with:*

- *Written plan signed by with parent; and*
- *Supporting professional documentation regarding the child’s needs’”*

**Vote 18 in favor, 4 undecided, 0 opposed**

Cited concerns:

- Does an exception-of-sorts constitute permission to violate rules?
- Language – “differing needs” instead of “special needs” because the implication of special needs is a disability rather than, say an allergy
- Should the rule include that a child’s special need may be accommodated with a written plan?
- How can we be inclusive?
- Should we have an age cap?

- ◆ **Children Aging Out.** The team did not complete its discussion, but did talk about whether “aging out” needs to be defined, whether the “aged-out” child needs to be enrolled or have a special need, and whether there should be a DEL form. This subtopic will be continued at the December 13 meeting.

### ***Next Steps, Action Items***

- ◆ Next meeting will be December 13, 2008, with meeting locations at the Renton and Yakima Educational Service District centers linked by video conference. Andy will work on the technical issues the team has faced so that they will not disrupt the discussions. Agenda items may include:
  - Finish discussion of Programs (West Side Story) – remaining subtopics
  - Diversity Panel
  - Plan for Parent Involvement
  - Current escape windows and doors rule
  - Begin discussion of Record Keeping / Reporting & Posting
- ◆ **Process recommendation:** When small groups prepare their matrix, please make sure the content of what you want the group to vote on appears in the right-hand column under “What does the NRMT **recommend**?” Even if it means cutting and pasting, or repeating your viewpoint from the alternatives considered column, so that the entire team sees the wording being recommended and voted on. We think the consistency of the process point will help us move faster.
- ◆ Please be sure that Andy gets your subgroup’s completed matrix before the advance materials are sent to the NRMT (generally five to eight days before the meeting) so that members participating in all locations have to most updated materials to follow along.

### ***Pre-Work for the Small Groups:***

- ◆ The West Side Story (Karen Hart is Lead) will:
  - Continue work on the topic of **Programs**, and incorporate suggestions from our discussion on Transportation
  - Organize the *Diversity* presentation or panel for the December meeting.
  - Make sure to cite research on *Screen Time* in your final matrix.
- ◆ The A-Team (Debbie Knighten is Lead) will continue working on recommendations about **Outdoor Environment:**
  - Incorporating appropriate recommendations from Laurie Cornelius’ presentation on Outdoor Play
  - Make sure to cite research that Laurie mentioned in your matrix
- ◆ The Team C (Martha Standley is Lead) will come prepared to begin recommendations on the topic of **Record Keeping/ Reporting/ Posting**.

ATTACHMENTS: NRMT Communications Materials

**1. One page handout** (created in Publisher with side color bar)



### **Negotiated Rule Making**

In 2007, the Washington Legislature passed Senate Bill 5828, requiring the Department of Early Learning (DEL) to review its child care licensing rules (also known as regulations or Washington Administrative Code (WAC)).

DEL created a review plan for child care licensing regulations, and is currently rewriting the family child care rules in collaboration with child care providers and other early learning leaders. We are approaching this work with an emphasis on mutual respect among parents, providers and DEL staff, and aim for a set of revised rules that focus on ensuring children in licensed family home child care are safe, healthy and nurtured.

#### **Legislative Citation**

DEL is required by RCW 43.215.350 (previously RC W 74.15.035) to engage in Negotiated Rule Making.

#### **Progress Report on Negotiated Rule Making to Date**

The Negotiated Rule Making Team (NRMT) includes up to 35 members from:

DEL, provider associations, the Service Employees International Union (SEIU), parent and provider advocates, and parents.

The NRMT is completely rewriting the rules for family child care homes. The safe, healthy, nurturing care for *all* children in licensed family homes is the centerpiece of all rule research and development.

The NRMT meets as a large group every six weeks. Smaller NRM sub-teams have the responsibility for researching key components of the WAC. Each sub-team meets in between the larger meetings to review research, listen to experts in key areas of child care, and develop draft recommendations. The sub-teams take this information back to the larger team for a vote.

To date, the NRMT is about one-half of the way complete with drafting recommended rule changes. The NRMT will finish its draft rule recommendations for to DEL by mid-2009.

DEL will complete the formal rule proposal, public hearings, and final rule adoption under the Administrative Procedure Act by late 2009.

For more information on this process, visit:

<http://www.del.wa.gov/laws/rules/negotiated.aspx>

## 2. NRMT - Frequently asked questions



### Frequently Asked Questions (FAQ)

#### Negotiated Rule Making

##### **What is Negotiated Rule Making?**

Negotiated Rule Making is one option noted in the Administrative Procedure Act which State agencies may use to develop new or revised Washington Administrative Code (WAC) (chapter 34.05 RCW). In this process, the agency and people affected by the rules try to reach consensus on the rule content and agree on the process for developing the proposed rules.

##### **Why is DEL involved with Negotiated Rule Making?**

DEL is required by RCW 43.215.350 (previous RCW 74.15.035 passed in 2006) to engage in NRM. The Negotiated Rule Making process was mandated in law at the same time a law passed [authorizing to unionize that family child care providers to unionize and bargain with the state regarding child care subsidies under SEIU](#). Both laws were rooted in the contentious 2004 [DSHS family home child care rules process](#). The 2004 iteration of the family child care WACs was developed under a process that was not viewed as inclusive, data-driven, or comprehensive. DEL's NRM process was developed to be inclusive of all invested community partners, data-driven (using all current best practice models from around the nation), and as comprehensive as possible.

##### **Who else is involved in Negotiated Rule Making?**

In late 2006 the Department of Early Learning and the Service Employees International Union (SEIU) Local 925 agreed to form a Negotiated Rule Making Team (NRMT).

##### **What is the primary responsibility of the Negotiated Rule Making Team?**

The team was charged to review existing requirements in WAC for Family Child Care Homes and recommend [rule](#) changes to DEL.

##### **Who is on the DEL Negotiated Rule Making Team?**

The NRMT consists of up to:

- 11 Child Care Providers and SEIU staff
- 11 DEL field licensors, plus a NRMT coordinator and two non-voting members representing DEL Management
- 2 Other child care providers to give geographic and ethnic balance to the NRMT
- 2 Child Care Resource and Referral Network representatives
- 1 Parent Advocate (Washington Parents for Safe Child Care)
- 1 Provider Advocate (Care for Providers)

- 5 Parents.

### **How does the work of Negotiated Rule Making get done?**

The full NRMT meets about every six week. The actual research, writing and other detail work is completed in between the full meetings by three sub-teams of the NRMT. These sub-teams represent the three distinct areas of the State:

- Northwest Service Area
- Southwest Service Area
- Eastern Service Area

The NRMT divided the rules into twelve (12) main topic areas. Each sub-team selects from the major topic areas and develops recommendations around these topics. These subgroups meet during the interim to research, develop and write specific sections of the new family child care administrative code. The subgroups bring back their recommendations every six weeks and presents to the large group. The entire NRMT votes on whether or not a recommendation from the small group will move forward to the WAC drafting team comprised of a DEL staff member and a SEIU member.

To overcome a potential deadlocks, DEL and SEIU, with help from a neutral facilitator, devised an organic collaborative model for negotiated rule making built on:

- ◆ Focusing on the *Rights of Children* to have safe and healthy child care
- ◆ Creating a set of *Guiding Principles* for the negotiated rule making process
- ◆ Rewriting the entire family home child care WAC chapter instead of trying to amend the contentious current rules.
- ◆ Adopting a *Protocol* for respectful dialog among NRM participants
- ◆ Making negotiated rule making participants *Accountable* by requiring consistent attendance and establishing a transparent voting process
- ◆ Creating *Sub-teams* to research and dissect the details of the family home child care, and “chunking” the rules into a dozen key topics to make the task more manageable.
- ◆ Assuring that NRMT recommendations for the new rule content be *Data driven*, based on other states’ experience, or professional standards such as the American Academy of Pediatrics *Caring for Our Children* guidebook for child care.

### **How are recommendations made?**

Members of the NRMT are required to research other states’ requirements, national best practice standards, and to consult with topic-specific experts in the field. All recommendations must be research and data-driven. Minority views or concerns are also discussed.

### **How does the work of the Negotiated Rule Making Team get reported?**

Notes from each full NRMT meeting, with the team’s rule recommendations, are posted on DEL’s Web site (<http://www.del.wa.gov/laws/rules/negotiated.aspx> ).

### **What is the overarching guiding principle of the Negotiated Rule Making Team?**

Rules recommended by the team must be grounded in the *rights of children* to have safe and healthy family home child care.

**What are other guiding principles for Negotiated Rule Making?**

- Increasing the quality of licensed child care
- Encouraging nurturing and child guidance
- Increasing the availability of licensed family home child care
- Being transparent about expectations and rule compliance
- Providing a legal basis for protecting the rights of children and providers

**What is an Intent Statement?**

A written *Intent Statement* for each of the twelve (12) major rule topics was adopted. These explain why the rules are needed and how they serve to protect and nurture children in licensed family home child care settings.

**When will Negotiated Rule Making be finished with their work?**

The NRMT started meeting in January 2007, and expects to complete its recommended rule changes to DEL by mid-2009.

**What happens after the Negotiated Rule Making Team proposes their final set of recommendations?**

DEL will prepare a formal rule proposal, hold public hearings, and adopt final rules by late 2009. This timeframe is typical of other state agency rules that are complex or are developed with a high level of stakeholder involvement.